

**COURT OF APPEALS
DECISION
DATED AND FILED**

December 4, 2012

Diane M. Fremgen
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal Nos. 2012AP875
2012AP876**

**Cir. Ct. Nos. 2012FO376
2012TR8101**

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

CITY OF MILWAUKEE,

PLAINTIFF-RESPONDENT,

V.

PORSCHA HALL,

DEFENDANT-APPELLANT.

APPEALS from orders of the circuit court for Milwaukee County:
JEAN A. DI MOTTO, Judge. *Dismissed.*

¶1 BRENNAN, J.¹ Porscha Hall appeals *pro se* from circuit court orders dismissing her appeals of two municipal court judgments. Because Hall failed to properly notify the City of Milwaukee of her appeals to the circuit court, pursuant to WIS. STAT. § 800.14(1), we conclude that the circuit court appropriately dismissed her appeals.

BACKGROUND

¶2 The City filed civil forfeiture actions against Hall in municipal court, alleging violations of the Milwaukee County Code of General Ordinances, stemming from two separate incidents occurring on October 7, 2011. On that date, Hall was issued two independent civil citations, one for exceeding speeding zones and a second for disorderly conduct. Hall pleaded not guilty to both citations at her arraignment. The City then offered to reduce both of Hall's citations in exchange for no contest pleas. Hall accepted this offer in regards to the speeding citation, and entered a no contest plea. However, she chose to go to trial on her disorderly conduct citation. Following the trial, the municipal court found Hall guilty of disorderly conduct and ordered her to pay a forfeiture.

¶3 Hall attempted to appeal the municipal court's judgments in the circuit court. However, it is undisputed that Hall failed to provide the City with written notice of her appeals. Consequently, the City filed a motion to dismiss Hall's appeals based on her failure to abide by the statutory notice requirements. Following oral argument on the motion, the circuit court granted the City's motion, dismissing Hall's appeals. Hall now appeals the circuit court's orders.

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(b) (2009-10). All references to the Wisconsin Statutes are to the 2009-10 version unless otherwise noted.

DISCUSSION

¶4 The Wisconsin Constitution provides in relevant part: “Except as otherwise provided by law, the circuit court shall have original jurisdiction in all matters civil and criminal within this state and *such appellate jurisdiction in the circuit as the legislature may prescribe by law.*” WIS. CONST. art. VII, § 8 (emphasis added). Accordingly, a circuit court’s jurisdiction over an appeal from a municipal court “can only be acquired ... under the rules of appealability established by the legislature.” See **Walford v. Bartsch**, 65 Wis. 2d 254, 258, 222 N.W.2d 633 (1974). “In order for there to be a right of appeal some statute must grant it and a party seeking to appeal must follow the method prescribed in the governing statute.” **City of Mequon v. Bruseth**, 47 Wis. 2d 791, 794, 177 N.W.2d 852 (1970). Here, that statute is WIS. STAT. § 800.14. Whether Hall complied with § 800.14 when seeking to appeal presents a question of law we review *de novo*. See **Welin v. American Family Mut. Ins. Co.**, 2006 WI 81, ¶16, 292 Wis. 2d 73, 717 N.W.2d 690 (the interpretation and application of statutes and case law to facts of a particular case present questions of law which appellate courts decide *de novo*).

¶5 WISCONSIN STAT. § 800.14 grants circuit courts appellate jurisdiction over municipal court decisions. It states that an “appellant shall appeal by giving the municipal judge and *other party written notice of appeal within 20 days after the judgment or decision.*” See § 800.14(1) (emphasis added). The statute is clear in its requirement that the appellant must give written notice to the other party. As such, here, the circuit court was without jurisdiction to review the municipal court’s judgments because Hall failed to give the required notice of appeal to the City. Failure to comply with the statutory procedure deprived the

court of jurisdiction to conduct the review. *See Walford*, 65 Wis. 2d at 258. Thus, the circuit court properly dismissed Hall’s appeal.

¶6 While we recognize that Hall was proceeding *pro se* in this action, her self-representation came with the responsibility to comply with relevant rules of procedural and substantive law. *See Waushara Cnty. v. Graf*, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992). The right to proceed *pro se* does not grant “a license not to comply with relevant rules of procedural and substantive law.” *Id.* (citation omitted). *Pro se* appellants are bound by the same rules that apply to attorneys. *See id.* Accordingly, the procedural statutes relevant to the circuit court’s appellate jurisdiction apply to Hall just as they apply to any litigant represented or not.

¶7 Our jurisdiction in an appeal such as this is confined only to the jurisdictional question itself. *See Ryde v. Dane Cnty., DSS*, 76 Wis. 2d 558, 564, 251 N.W.2d 791 (1977). Because we conclude that the circuit court correctly held that it had no jurisdiction, our only course of action is to dismiss Hall’s appeal. *See Libby v. Central Wisconsin Trust Co.*, 182 Wis. 599, 604, 197 N.W. 206 (1924) (“The circuit court from which the appeal was taken, having had no jurisdiction of the action, nothing remains to be done except to dismiss the appeal.”).²

² We note that Hall did not file a timely reply brief and has filed a motion with this court asking for an extension of time to provide her with another opportunity to do so. Hall, however, admits in her initial brief that she failed to notify the City of her appeal to the circuit court. That admitted failure deprived the circuit court and this court of jurisdiction over her appeal. As such, we deny her motion for an extension of time.

By the Court.—Appeals dismissed.

This opinion will not be published. See WIS. STAT.
RULE 809.23(1)(b)4.

